

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF:

MATT A FINKEN

SSN: ###-##-2867

) **BK. NO. 20-80664-BSK**
)
) **CHAPTER 13**
)
)
)
)

Debtor.

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW, KATHLEEN A. LAUGHLIN, Chapter 13 Trustee, and objects to confirmation of the plan pursuant to 11 U.S.C. § 1324 and Neb. R. Bankr. P. 3015-2(D) for the following reason(s):

1. 11 U.S.C. §1308 requires the debtor, not later than the day before the First Meeting of Creditors, to file with the appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition, assuming the debtor was required to file a tax return under applicable non-bankruptcy law. Under 11 U.S.C. §1325(a)(9), the filing of tax returns in compliance with §1308 is a condition of confirmation. Pursuant to §521(f), the Trustee hereby requests that the debtor produce a copy of his 2019 Federal tax return. Until this document is filed with the appropriate taxing authority, a copy of the return is supplied to the Trustee, and the Trustee has had an opportunity for review, the Trustee reserves all objections to confirmation.
2. The Trustee requests clarification regarding Part 1 of the amended plan. The Debtor proposes 60 months of payments, then deducts 4 months for payments previously paid, but then proposes 55 additional payments. It is unclear if the Debtor is proposing an amended plan of 60 months or 59 months. Further, as of the filing of this amended plan, the Debtor made payments for 5 months, not 4 months as stated. Still furthermore, as of the filing of this amended plan, the Trustee had received \$1,943.00.
3. Based on pay advices received by the Trustee from the Debtor in response to the Trustee's Request for Production of Documents, it appears the income on Form 122C-1 is understated. Therefore, an Amended Form 122C-1 and Amended Form 122C-2 should be filed in order to determine the amount of disposable income available.

WHEREFORE, Trustee prays that the Trustee's Objection to Confirmation be sustained.

DATED: December 1, 2020

s/ Kathleen A. Laughlin
Kathleen A. Laughlin #16883
Chapter 13 Trustee
13930 Gold Circle, Suite #201
Omaha, NE 68144
(402) 697-0437
1-800-884-0437

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Trustee's Objection was served on CARRIE DOLL, debtor attorney, via the CM/ECF system of the United States Bankruptcy Court and a copy was mailed on December 1, 2020, by first-class, U.S. mail, postage prepaid to the Debtor at the address listed below:

MATT A FINKEN
4331 CORBY STREET
OMAHA, NE 68111

s/ Kathleen A. Laughlin
Kathleen A. Laughlin